

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Regina Smith

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Jury Trial: ☐ Yes ☒ No

(check one)

16CV3779

Fenix Arias and
Bronx Community College Association
Donovan Miller - Director Inc.

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☐ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Regina Smith
 Street Address 2215 Bronxwood Ave
 County, City Bronx
 State & Zip Code NY 10469
 Telephone Number 718 881-2493

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Fenix Arias - Bronx Community College Language Hall
 Street Address 2155 University Ave Room 27
 County, City Bronx
 State & Zip Code NY 10453
 Telephone Number 718 289-5151 / 5156

- C. The address at which I sought employment or was employed by the defendant(s) is: 5798

Employer Bronx Community College Association, Inc
 Street Address 2155 University Ave
 County, City Bronx
 State & Zip Code NY 10453
 Telephone Number 718 289-5264 / 5798
Donovan Miller - Director
Colston Hall Room 810

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.

_____ Retaliation.

_____ Other acts (specify): _____

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: June 18, 2016
Date(s)

C. I believe that defendant(s) (check one):

_____ is still committing these acts against me.

☒ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☐ race _____ ☐ color _____

☐ gender/sex _____ ☐ religion _____

☐ national origin _____

☒ age. My date of birth is 1/25/54 (Give your date of birth only if you are asserting a claim of age discrimination.)

☐ disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

I was wrongfully terminated from my employment. I had been informed by Eduardo Marti on June 18, 2015 (President of Bronx Community College at that time) on behalf of Fenix Arias request. Reason given: 2014 Evaluation, however May 2015 evaluation was given by Dr. Ted Ingram and according that evaluation I was re-appointed for the Academic Year of 2015-2016.

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: February 2016 (Date).

B. The Equal Employment Opportunity Commission (check one):

☒ has not issued a Notice of Right to Sue letter.
☐ issued a Notice of Right to Sue letter, which I received on April 20, 2016 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have elapsed.
☒ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: Mental Anguish - Example: After 29 yrs. of Employment I was offered 2 months of Severance pay, 26 weeks of unemployment benefits expired, health insurance loss, etc.
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)

last result I had to apply for public Assistance to a roof over my head. which is an embarrassment.
 I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of MAY, 2016.
15

Signature of Plaintiff

Address

Regina Smith
2215 Bronxwood Ave #60
Bronx, NY 10469

Telephone Number

Fax Number (if you have one)

718 881-2493

May 15, 2016

To Whom it May Concern:

January 2014 **Fenix Arias** was appointed by Vice President of Student Affairs(**Athos Brewer**)to oversee the Office Student Life until a Director was to put in place. She never knew anything about me as a person or my work performance. Fenix Arias had other staff members(**Tami Hepbourn and Yvonne Erazo-Davila**) assumptions to rely on because she was never in the office to oversee anything.

I would like to file this law suit in regards to age discrimination against **Bronx Community College Assocation Inc.** I was employed at Bronx Community College - Office of Student Life, I held the position of **Office Manager** for the past twenty-nine (**29**) years. The college is located at 2155 University Ave, Bronx ,NY 10453, phone number for the Assocation is **718 289-5264**. **Mr. Donovan Miller** oversees the department.

However, I didn't work for the college itself but with an entity within the college, Bronx Community College Association Inc. On June 16, 2015 I received an email from the supervisor **Fenix Arias (Associate Dean of Student Support Services-/ Interim Director of Student Life /and treasurer of BCC Inc.)** that according to the by-laws of Bronx Community College Assocation Inc., full time employees are hired on an annual basis. As supervisor in the Office of Student Life she had recommended to the Interim President Eduardo Marti, Chair of BCC Inc not to re-appoint me for the 2015-2016 academic year.

I requested to scheduled an appointment to meet with President Marti on June 4, 2015 to discuss other matters in regards to the office operation, not aware of what was actually going on. My appointment was scheduled for June 18, 2015 at 4:30 p.m. It was the same day that Fenix Arias requested for an emergency meeting to be held by the Personnel Committee to discuss terminating me. By the time my meeting with President Marti started their meeting had ended. I was informed by President Marit that I was terminated as of June 30, 2015. I was totally blind-sided and did not have a clue as to what had just happened.

I believe discriminatory action was taken against me due to my age, because my work production was excellent. I believe that my termination after being employed at Bronx Community College Association Inc.(for the past twenty-nine years) couldn't have been based on an evaluation given to me in July 2014 ,was the actual reason for terminating me. I feel this was an cover up to avoid investigation and a possibility of an law suit.

What I cannot come to grips with is that if my work production was so terrible according to Fenix Arias and her staff ,why wait until June 2015 to terminate me? After I have done a work load of five(5) plus people without assistance. I had done every assignment leading up to Commencement and then other events for the student community. This was done during the Fall 2014-Spring 2015 semesters.

Also, I had been evaluated on May 2015 by **Dr. Ted Ingram(718)289-5819**(Interim Director of

Student Life during that time). According to Dr. Ingram I was reappointed for employment, I have no idea what happened to the May 2015 evaluation or which individual has it. However, I do have a copy of it.

What distrubs me the most is how does an entire Personnel Board is manipulated into voting me out of employment, without investigating the situation in deeper depth. I had never received any warnings verbal or written, nor did I have a chance to meet with any supervisor to discuss anything. I was blindsided, despised, intimidated, humiliated, and harassed. The July 2014 evaulation was fabricated.

Due the termination I have lost plenty, my salary, my retirement plan was interrupted, my health insurance etc. All because Fenix Arias and her staff members Tami Hepbourn and Yvonne Erazo-Davila.

Besides there were extremely too many incidents where the Adminstrative Assistant Tami Hepbourn acted on behalf of Fenix Arias(Supervisor) that weren't appropriate.

Example: unexpected staff meetings would be held without my knowledge,so therefore I was not included, blaming me for mistakes that other staff members had made(not under my supervision)faculty, staff, students from other departments were always directed to me, when they actually needed to speak with were Tami Hepbourn, Fenix Arias, or Yvonne Erazo-Davila.

Always being address in a hostile, rude manner for no reason. I have been talked about me in negative ways, I have over heard comments about me, as well as random students informing me I was the topic of a conversation, however I never address the issue due to it would have been inappropriate because the environment. College work study were normally hired by myself to assist with office work, however I had been told by Yvonne Erazo-Davila and Tami Hepbourn not to hire any work study students, they would do the hiring and interviewing.

There was much sabotaging going on such as: folders with my assignments missing from my desk, disbursements form missing from file cabinet, delaying disbursement forms from being sent to the accounting department, purchasing order delayed, etc.

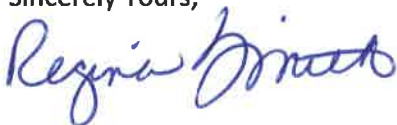
The Spring semester 2014 was nearly over before I received any assistance, by then my workload had extremely increased. Fenix Arias, Tami Hepbourn and Yvonne Erazo Davila created an hostile, stressful office environment.

At the present time I am unable to work due to several medical issues, over the past months. I had to seek other assistance in order to keep a roof over my head and food in my mouth.

There was another employee who worked in the Office of Student Life terminated in June 2014 . This person was treated worse then myself.

The above matter is a small part of how certain employees were treated under the supervision of **Fenix Arias and her staff members.**

Sincerely Yours,





Office of Student Support Services
Roscoe Brown Student Center, Room 302
P. 718.289.5193
F. 718.289.6021

Bronx Community College
of The City University of New York
2155 University Avenue
Bronx, New York 10453

SENT ELECTRONICALLY VIA EMAIL, CERTIFIED AND REGULAR MAIL

June 15, 2015

Ms. Regina Smith
2215 Bronxwood Avenue Apt.# 6D
Bronx, NY 10469

Re: 2015-2016 Non-Reappointment Letter

Dear Ms. Smith,

Per Bronx Community College Association Inc.'s (BCC, Inc.) bylaws, full-time employees are hired on an annual basis. As your supervisor in the Office of Student Life, I am recommending to Interim President Eduardo Marti, Chair of BCC, Inc., that you not be re-appointed for the 2015-2016 academic year.

Thank you for your services to the Association.

A handwritten signature in dark ink, appearing to read "Fenix Arias", is written over the typed name.

Fenix Arias, PhD

Associate Dean of Student Support Services

Rebuttal
for
Spring 2014
Evaluation



Office of Student Life
Melster Hall, Room 202
P: 718.289.5194
F: 718.289.6021

Bronx Community College
of the City University of New York
2155 University Avenue
Bronx, New York 10453

TO: VP Athos Brewer, Vice President of Student Affairs

FROM: Ms. Regina Smith, Office Manager-Student Life/IOC *RS*

RE: Response to current evaluation

DATE: July 22, 2014

I strongly disagree with the results of my evaluation and I'm perplexed by the observation of how it was determined. In all the years I have been employed at Bronx Community College-Office of Student Life/IOC, I have never received a damaging evaluation such as this one.

My current evaluation states things that are not true, such as: my professionalism with faculty staff and students. I serve with respect and common courtesy to all those I interact with. I efficiently execute all service and refer students, faculty and staff to other departments when necessary. If there have been complaints about my interactions with students and staff then I feel it is only right that I have an opportunity to know what they think I did wrong and be given a chance to explain myself. Hearing about these offenses in my evaluation so many months later blindsided me.

My work performance speaks for itself, if I was so incompetent and unaware of my responsibilities, then I would not have the knowledge of preparing contracts, contacting vendors, negotiating fees to accommodate the event needs and work to assure that the students will have a successful event. The main events such as Freshman Convocation, Club Fair, and Commencement take a tremendous amount of time, planning, preparation, and critical decision making - skills that I possess and have successfully demonstrated for my entire career here at BCC. I feel it is an unfair that my work for 20 years is being overlooked and criticized in this way.

It has been said that I don't like to work long hours, and that's not true, I have worked many long hours through the years and continue to do so when necessary. Especially when events like: Commencement are happening I work with diligently to ensure that every faculty, staff and student will have their Commencement regalia several weeks before the actual Commencement Ceremony. Over the years I have developed great relationships with the vendors I work with (*Thornton Studio and Herff Jones*, cap and gown company, *Fond Memories*-plaque company, *Columbia Florist* specializes in floral arrangements for Honors Convocation, Commencement, and Freshman Convocation). I work very hard to accommodate vendors who need storage, or other necessary arrangements during large scale or on-going events on campus.



Customer Service: I address every supervisor within Student Life, BCC staff member, faculty members, students and outside agencies with the utmost respect, politeness, and courtesy. Since the leadership of Student Life changed I feel as if I am no longer apart of a strong work team. I have felt left out and disrespected and the morale of the entire office has dropped. Often times I feel harassed by superiors for things I had nothing to do with. In all honesty it has become a hostile work environment.

Any faculty member, student, outside agency in which I have constantly interactions with such as: *American Cleaner Tailor*, (Vinny-contact person) *Thornton Studio*-Jamie, Michael, or Patrick-contact person(s) *Herff Jones*-(Paul Reilly-contact person) *Total Entertainment*-(Dave Solarino-contact person) each of these individuals can speak on behalf and to my professionalism. I have an excellent working relationship with them. As well as Members from different department on campus.

Productivity: In my role as office manager I have always been productive; before I start any assignment I make sure the supervisor whose instructing me is clear on what I perceive in regards to the given assignments. I never need anyone to follow up on what I have been assigned to do. If I get stuck or make a mistake I ask for assistance. Once my duties have been completed I notify the supervisor.

Work Habits: I work independently, I have for past twenty 20 years, I have always followed the protocol and procedures of the office and the college. I take my work very seriously and I make sure the work is done before the end of the day. I do not like nor do I leave any work for last the minute. I have always done things months in advance. In regards to e-procurement, as I have explained several times before, I have limited responsibility and capability in the system. The things I have recently found out about e-procurement are new to me as well. However, I have always followed up on orders when needed.

The previous Director and Assistant Director of Student Life had full knowledge of the procedures for e-procurement. My duty was to only make entries and follow up on orders if need be. Also, I was not the only staff member to have e-procurement, each staff member had their own account. However, no staff member was allowed to order any items unless permission was given by the Director.

Currently, I am the only staff member with an e-procurement account. I feel it makes the most sense for all staff members to have e-procurement access since Student Life deals with a number of vendors and contractors. Empowering everyone to create, track and complete orders would be more efficient.

If there is disharmony in the Office of Student Life, it has absolutely nothing to do with me, because I am the same person I have always been from the first day of my employment to present. There are many individuals on this campus community who know me very well and know my character.

I am upset and disappointed in my evaluation because it is not an accurate reflection of my work or of who I am. I do not feel that the opinions in my evaluation are based on first hand observations of me, but instead were formed from the negative views and assumptions of others. This is the first time I have ever received a negative evaluation and the first time I have not been a part of my evaluation process. If my work was perceived as poor I would have appreciated hearing about it earlier instead of being blindsided with a negative evaluation in the middle of the summer.

CC: Personnel File

Dean Fenix Arias

Yvonne Erazo



Office of Student Engagement and
Student Success
Roscoe Brown Student Center
Room 302
P: 718.289.5193
F: 718.289.6021

Bronx Community College
of The City University of New York
2155 University Avenue
Bronx, New York 10453

To: Regina Smith, I.O.C Office Manager
From: Dr. Fenix Arias, Associate Dean for Student Engagement and Student Success
Date: July 15, 2014
Subject: Performance Improvement Plan

Deficiency Statement

Customer Service: Failure to maintain good interpersonal working relationships with supervisors, fellow BCC staff members, faculty members, students, and outside agencies including acceptance of the role of your immediate supervisor.

Productivity: Failure to meet minimum expectations of role as Administrative Assistant. Ms. Smith works at a slow pace and requires a great deal of follow up in order to finalize assignments. She demonstrates a general lack of knowledge of Student Life especially in light of her long tenure at BCC.

Work Habits: Ms. Regina exhibits difficulty in following basic protocol and procedures and lacks interest in her overall job performance. She lacks dependability and requires a lot of prompting to follow through on assignments. Specifically, there are many issues related to the e-procurement process i.e., following up on orders, keeping track of all orders, ensuring that all protocols are met in a timely fashion, assisting students as needed.

Duty 1:

Maintain open communication with other staff members, faculty, students and supervisors.

- **Priority:** High priority. Disharmony in the work place, especially in the Office of Student Life which is supposed to be welcoming to students and highly student centered, has a negative effect on morale and in accomplishing the goals of the department.
- **Performance standards:** Employee's performance meets expectations when employee:
 1. Is polite and courteous;
 2. Is approachable and can be depended on by students, faculty, staff and supervisors;
 3. Creates an atmosphere that is conducive to a successful working and learning environment;
 4. Interacts effectively with students;
 5. Cooperates and collaborates on departmental initiatives;
 6. Takes pride in and responsibility for her work and takes initiative;

7. Recognizes and accepts that supervisors have the right and responsibility to assign tasks it believes necessary to the accomplishment of the mission of the College and the department; even if those tasks are new and different than tasks done previously in current role.

Duty 2:

Follow all office and College protocols especially when related to e-procurement/budget.

- **Priority:** High priority. It is imperative that all protocols be met especially with regards to e-procurement as failure to do so seriously impacts departmental and student events and various budgets. A failure in this area reverberates through the whole department negatively impacting productivity and student engagement.
- **Performance Standards:** Employee's performance meets expectations when employee:
 1. Has a thorough understanding of all office and college policies;
 2. Has created a system to track all open items with attention paid to necessary signatures and approvals as well as deadlines;
 3. Follows up with scheduled club events regarding space reservations, food orders and all necessary documentation;
 4. Works effectively with service offices on campus.

Duty 3:

Take an active role within the department, be a team player and student centered.

- **Priority:** High priority. As the administrative assistant, you play a key role in the department as you are many times the first point of contact for students, faculty and staff. Your assistance is imperative in ensuring that events are organized in a manner that makes them successful, that budgets are executed effectively and that visitors to Student Life leave with a positive experience and a desire to return.
- **Performance Standards:** Employee's performance meets expectations when employee:
 1. Students, faculty and staff see you as a resource; someone they can turn to for assistance;
 2. Demonstrates a willingness to be an active member of the department through actions both verbal and non-verbal;
 3. Always puts the best interest of the student first and conducts herself in a manner that demonstrates this;

4. Takes initiative and is continuously working to improve the BCC student experience.

Goals and Timetables

1. Have a cooperative relationship with your immediate supervisor which will be demonstrated in your willingness to utilize this person as a resource in your day-to-day activities. Within three months develop communication and team-oriented skills that demonstrate your commitment to be a part of the team within your department and a resource for students. Based on direct observations and reports from colleagues within the first two months, you will significantly reduce the number of times you refuse to complete a task, assist a student or participate in a departmental initiative. Within the second two months, you will begin to recognize when other members of the team or students need assistance and will voluntarily offer it to them. Within three months, you and your immediate supervisor will develop a positive working relationship and be able to note at least three occasions where cooperative efforts have been used to the advantage of the department.
2. Acquire a working knowledge of all departmental and college rules, regulations and protocols especially as they relate to e-procurement and budgets. Become knowledgeable about Student Life, IOC, BCC clubs and their events. Within [three to six months] develop an operational manual including (i) information related to all active clubs on campus, the executive officers, IOC members and faculty advisors for each club with contact information, all scheduled events together with all necessary documentation for each event and a timetable mapping out the semester; (ii) all rules and protocols related to e-procurement, the Student Life budget; and SGA budget; (iii) a binder including an active list of all orders made through e-procurement with dates that items must be received, copies of invoices or quotes, requisition numbers, purchase orders and PO numbers, deadlines, signatures/approvals needed and any other pertinent information including status of order along with a log of all follow up attempts. All receipts confirming receipt of items and payment to vendors should be included as well with confirmation from e-procurement that PO is closed.

Action Plans

Your immediate supervisor, Ms. Yvonne Erazo, will meet with you weekly to discuss problems you identify as prohibiting you from accomplishing this goal as well as any problems the supervisor has noted in your progress. You will provide input and feedback to your immediate supervisor to help identify areas where you believe that improvement can be made and your supervisor will provide input and feedback on your progress as well.

**BRONX COMMUNITY COLLEGE
OF THE CITY UNIVERSITY OF NEW YORK**

**PROFESSIONAL ADMINISTRATIVE STAFF RATING FORM
(Non-Teaching Instructional Staff)**

Name: Regina SmithTitle: Office ManagerDepartment or Unit: Student LifeDate: July 9, 2014Responsibilities: (Attach copy of recent job description) Attached

Compare the degree to which the employee under consideration exhibits each factor in relation to the degree the factor is exhibited by all employees in his/her position that you have known. Please rank the employee on each factor according to the following scale.

1 = Unsatisfactory

2 = Average

3 = Above Average

4 = Superior

5 = Not Observed

6 = Not applicable to Job

Productivity

- a. Quantity – Promptness and speed of work
- b. Quantity – Accuracy and completeness of work

2**Knowledge**

- a. Of this type of work
- b. General knowledge

2**Leadership Ability**

Ability to inspire teamwork and obtain cooperation from subordinates

1**Decision Making Ability (Decisiveness)**

Makes the right decision at the right time, analytical ability

1**Planning and Organizing Ability**

Effectiveness in planning and executing work assignments

2**Problem-solving Ability**

Secure and evaluate all facts and arrive at a sound conclusion

1**Communication Ability**

Effectiveness in oral and written communication

1**Adaptability and Flexibility**

Acceptance and adjustment to changing conditions

1**Creativity, Initiative, Resourcefulness**

Imagination and originality; ability to proceed without
Consulting supervisors, ability to improvise

1

(OVER)

Relationship with others

Manner of dealing with subordinates, supervisors, peers
and public, cooperation; acceptance of supervision

2

Training Ability

Ability to develop capacities and abilities of subordinates

5

Dependability

Meeting commitments and carrying out assignment

1

Acceptance of Responsibility

Willingness to assume the obligations of the job

1

Personal Factors

- a. Emotional Stability – capacity to tolerate pressure and frustration
- b. Sustained energy – willingness to work long hours
- c. Health
- d. Appearance

1163

Attendance and promptitude

Overall Evaluation: X unsatisfactory

 Satisfactory

Particular strengths of employee

Familiar with College environment and scheduled events
on year round calendar.

Areas of need for development and suggested means for development

See attached Memorandum

Period of need for development and suggested means for development

From July 14, 2014 to October 1, 2014

Prepared by Evaluator: Felix Arias

Title: Associate Dean of Student

Date: 7/16/14.

Engagement
&
Success.

I have reviewed and discussed this evaluation with the above evaluator

Regina Smith
(signed)

7/16/14

(Date)

We do not agree with this evaluation.
We understand that within 3 months, this will be

Terms of Agreement

The purpose of this document is to identify performance deficiencies and to provide a clear concise mechanism for improving performance to a standard of "Satisfactory". Every effort will be made to provide training and support necessary for the successful completion of this Performance Improvement Plan. Items contained in this plan are subject to modification under several circumstances. First, should it become clear that the level of "Satisfactory" has been attained prior to the projected date, the plan may be resolved upon agreement of both parties. Second, where improvement in overall performance is noted, but additional time and/or training is required to reach the standard of "Satisfactory" in all areas, the plan may be renegotiated. Finally, by October 31, 2014, should it be determined by the supervisor that the overall performance continues at a level of "Unsatisfactory" or that a standard of "Satisfactory" cannot be met, Ms. Regina Smith will be terminated from her position at the College.

We agree to work together on the items identified in this Performance Improvement Plan and to make every effort to reach the goals and expectations defined herein.

Supervisor's Signature Juan Arias Date 7/15/2014

Employee's Signature Regina Smith Date 7/16/14

Next Performance Review Date _____

Cc: Personnel File
V.P. Brewer
Shelley B. Levy
Yvonne Erazo

Spring Semester
2015
Evaluation



BRONX COMMUNITY COLLEGE
OF THE CITY UNIVERSITY OF NEW YORK
PROBATIONARY AND SERVICE REPORT

Please return to the Human Resources Office by _____

EVALUATION PERIOD: FROM: <u>1/5/2015</u> TO: <u>5/29/2015</u>	NAME OF EMPLOYEE: <u>Regina Smith</u>
TYPE OF EVALUATION: <input type="checkbox"/> PROBATIONARY <input type="checkbox"/> ANNUAL 1 st ____ 2 ND ____ 3 RD ____ FINAL ____ SPECIAL() ____	OFFICE/DEPARTMENT: <u>Student Life</u>
STATUS: <input type="checkbox"/> PROBABLE PERMANENT <input type="checkbox"/> PROVISIONAL/TEMPORARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> HOURLY	TITLE IN WHICH RATED: <u>Office Manager</u>
	PERMANENT TITLE IF OTHER THAN ABOVE:

Instructions for the use of Probationary and Service Report:

1. Carefully read the definitions for each category listed on page 2.
2. In each instance check off the statement (s) that best describe the employee's performance in the factor being considered. Add any comments which you feel will help in making a fair appraisal.
3. When rating each factor, call to mind instances that are typical of the employee's work performance and behavior. Do not be overly influenced by unusual cases which are not typical.
4. Be fair to yourself, the employee, and the college. Make your ratings with the utmost care and thought; it should represent a fair and objective judgment of the employee's work performance during
5. The summary rating on page 4 should be in general agreement and be consistent with the ratings given for the individual factors on pages 2 and 3.

Work generally acceptable Occasional errors Good quality Volume of work generally meets standards Needs normal supervision	<input type="checkbox"/> Work seldom needs checking <input type="checkbox"/> Consistently of high quality <input type="checkbox"/> Turns out good volume <input type="checkbox"/> Requires little supervision <input type="checkbox"/> Accomplishments consistently high	<input type="checkbox"/> Exceptionally accurate and capable <input type="checkbox"/> Unusually high results and volume	Handles e-procurement + disbursements well - Provided assistance w/ my transition.
Works well with others - Good attitude Accepts constructive criticism Tries to be cooperative	<input type="checkbox"/> Very effective in dealing with public and associates <input type="checkbox"/> Exercises discretion and tact	<input type="checkbox"/> Stimulates teamwork and good attitude in others <input type="checkbox"/> Exceptional in dealing with public and associates	Documented complaint from the VP of Student Affairs office (5/20/15)
Generally acceptable work	<input checked="" type="checkbox"/> Consistently up to and somewhat above work standards	<input type="checkbox"/> Exceptional work habits and attitude toward job <input type="checkbox"/> Seldom requires supervision	Dependable. Stays until job has been completed - after hours.
Has adequate knowledge of duties needs a little additional instruction	<input type="checkbox"/> Good knowledge of duties - well informed <input type="checkbox"/> Occasionally needs direction	<input type="checkbox"/> Excellent understanding of job assignments <input type="checkbox"/> Requires very little direction. Extremely capable	Familiar w/ office duties + programming Lack exposure of SAC roles / SGA procedural s. as it relates to Student Life.
Generally acceptable	<input checked="" type="checkbox"/> Very good attendance record <input checked="" type="checkbox"/> Rarely tardy <input type="checkbox"/> Prompt in lunch hours and break periods	<input type="checkbox"/> Excellent overall attendance record	Smith is here on time to open office. Commenced when she will be late/out of office.
Could be considered for promotion He is willing to take on challenge + leading was to take place. Used on supervisor's input.	<input type="checkbox"/> Willing to accept responsibility - recommended for promotion	<input type="checkbox"/> Excellent candidate for promotion. Can be recommended without reservation	Not info enough information to determine.

3. The following evaluation of your work performance has been made considering those factors applicable to your work assignment based on **your job duties and responsibilities**. More than one statement may be applicable in evaluating the factors in the left margin.

1. PRODUCTIVITY

Quality of work- Considered were the accuracy, efficiency, completeness of your work and dependability of results. Volume of work was not considered.

Quantity of work - Considered was the amount of work produced together with the necessity for close supervision.

- ☐ Does not meet minimum standards
- ☐ Frequent and excessive errors
- ☐ Often unacceptable

- ☐ Does not meet minimum standards
- ☐ Very slow worker
- ☐ Requires close supervision

- ☐ Careless, inclined to make mistakes - work barely acceptable
- ☐ Improvement needed

- ☐ Works at slow pace
- ☐ Improvement needed

2. RELATIONSHIP WITH OTHERS

Effectiveness in working with supervisors, subordinates, fellow employees and public. Traits considered were tact courtesy, self-control and discretion.

- ☐ Not effective in working with others
- ☐ Often antagonizes those with contact
- ☐ Lacks tact
- ☐ Needs to be more businesslike
- ☐ Poor attitude
- ☐ Argumentative

- ☒ Needs improvement in attitude and manner
- ☐ Has tendency to resent taking direction from supervisor

3. WORK HABITS

Considered was your attitude toward your work, safe and effective use of personnel, materials and equipment, compliance with rules, regulations and use of time. Other personal habits as they may affect your work and use of time.

- ☐ Undependable
- ☐ Needs constant watching
- ☐ Does not follow prescribed work procedures
- ☐ Little interest in work

- ☐ Gives up easily
- ☐ Has some difficulty in following prescribed work procedures
- ☐ Needs to show more interest in work

4. JOB KNOWLEDGE

Considered was basic knowledge of job; familiarity with other departmental functions related to job; understanding and observance of specific job duties - ability to learn new assigned tasks and acquire necessary skills.

- ☐ Definite lack of knowledge
- ☐ Very little understanding of job duties
- ☐ Needs considerable instruction

- ☐ Inadequate knowledge of duties
- ☐ Understanding of job duties not sufficient

5. ATTENDANCE AND PUNCTUALITY

Considered were frequency and number of absences and latenesses. Also observance of lunch hour and break periods.

- ☐ Excessive absence or tardiness
- ☐ May absent himself from work without adequate notice
- ☐ Abuses lunch hour and work break

- ☐ Lax in attendance and reporting for work on time
- ☐ Improvement needed in

6. PROMOTABILITY

Considered to be an expression of your supervisor's opinion with respect to your ability to progress.
NOTE: Applicable for Annual Evaluations of Permanent Staff Only

- ☐ Has not demonstrated overall qualities needed for advancement
- ☐ Unwilling to accept responsibility

- ☒ Improvement needed before one can be recommended for promotion

Additional responsibilities need to be had before recommendation.

EMPLOYEES' NAME: Regina Smith

In my opinion the summary judgment best expressing your work performance for the period covered by this report is:

☒ SATISFACTORY

☐ UNSATISFACTORY

This report represents my best judgment of the value of this employee's work service during the period stated and is based upon personal observations and/or knowledge of his/her work.

I RECOMMEND:

(Check one)

- ☒ continued employment
☐ employment be discontinued
☐ permanency (for final report only)

SIGNATURE OF RATER

Jed N. Op

TITLE:

Interim Director

DATE

6/2/2015

(To be completed where it has been determined to be appropriate by the Department or Human Resources Director)

I have reviewed the report of the immediate supervisor and have indicated my disagreement, if any. This report is accurate according to my best knowledge and belief.

COMMENT:

SIGNATURE OF REVIEWER

TITLE:

DATE

TO THE EMPLOYEE: The summary judgment shown above is the rating assigned by your supervisor and reviewed on a higher level. Only "unsatisfactory" (below standard) ratings are subject to appeal to the College Human Resources Officer.

I have reviewed this report on the date indicated and have had the opportunity to discuss it with my rating supervisor(s). My signature does not necessarily signify agreement. I understand that I may submit a rebuttal.

SIGNATURE OF EMPLOYEE

Regina Smith

TITLE:

Office Manager

DATE

6/3/15

EMPLOYEES' NAME: Regina Smith

In my opinion the summary judgment best expressing your work performance for the period covered by this report is:

☒ SATISFACTORY

☐ UNSATISFACTORY

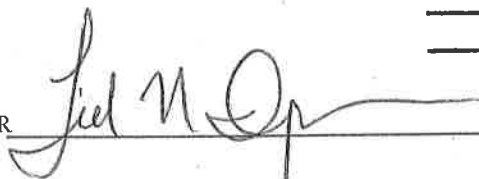
This report represents my best judgment of the value of this employee's work service during the period stated and is based upon personal observations and/or knowledge of his/her work.

I RECOMMEND:

(Check one)

- ☒ continued employment
☐ employment be discontinued
☐ permanency (for final report only)

SIGNATURE OF RATER



TITLE:

Interim Director

DATE

4/2/2015

(To be completed where it has been determined to be appropriate by the Department or Human Resources Director)

I have reviewed the report of the immediate supervisor and have indicated my disagreement, if any. This report is accurate according to my best knowledge and belief.

COMMENT:

SIGNATURE OF REVIEWER

TITLE:

DATE

TO THE EMPLOYEE: The summary judgment shown above is the rating assigned by your supervisor and reviewed on a higher level. Only "unsatisfactory" (below standard) ratings are subject to appeal to the College Human Resources Officer.

I have reviewed this report on the date indicated and have had the opportunity to discuss it with my rating supervisor(s). My signature does not necessarily signify agreement. I understand that I may submit a rebuttal.

SIGNATURE OF EMPLOYEE



TITLE:

Office Manager

DATE

4/3/15



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
District Office: (212) 336-3620
TTY (212) 336-3622

Regina Smith
2215 Bronxwood Avenue
6d
Bronx, NY 10469

Re: EEOC Charge No.520-2016-01840

Dear Ms. Smith:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charge based upon the information and evidence you submitted. Based on this evaluation, we can not conclude that you were subjected to an adverse employment action motivated by discriminatory animus as defined by Commission guidelines and federal law. Therefore, your charge will be dismissed.

Attached is your Dismissal and Notice of Rights. If you wish to pursue this matter further in Federal court, your lawsuit must be filed within 90 days of your receipt of the Notice.

Please contact Investigator Thomas Perez at (212) 336-3778 if you have any questions.

Sincerely,



Kevin Berry
District Director

For

4-18-16
Date

enc.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Regina Smith**
2215 Bronxwood Avenue
6d
Bronx, NY 10469

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2016-01505

Thomas Perez,
Investigator

(212) 336-3778**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Kevin J. Berry,
District Director

4-18-16
 (Date Mailed)

Enclosures(s)

cc:

Attn
Director of Human Resources
CUNY
205 East 42nd Street
New York, NY 10017



Regina Smith
2215 Bronxwood Ave Apt 6D
Bronx, NY 10469



United States District Court
Southern District of New York

500 Pearl Street

New York, NY 10007



SDNY PRO SE OFFICE
2016 MAY 20 AM 9:40

ATTN: PO SE intake unit